

HOUSE BILL 1393

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2004 Regular Session  
4lr2887

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By: **Delegates Aumann, Bates, Stocksdale, Boteler, Boutin, Burns, Cluster, Cryor, Dwyer, Eckardt, Edwards, Frank, Fulton, Glassman, Goodwin, Haddaway, Impallaria, Jennings, Kach, Kelly, Krebs, McComas, McConkey, McDonough, McKee, Menes, Miller, Myers, Niemann, Paige, Parker, Parrott, Stull, Trueschler, and Weldon**

Introduced and read first time: February 20, 2004  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Bridge to Excellence in Public Schools Act - Use of Funds**

3 FOR the purpose of requiring a county board of education to expend certain funds  
4 that it receives for State aid to education only for certain purposes and in a  
5 certain manner in the fiscal year for which the funds are appropriated;  
6 prohibiting a county board from expending certain funds that it receives for  
7 State aid to education to extinguish a debt or deficit incurred by the county  
8 board in a prior fiscal year; and generally relating to the use of certain funds  
9 received by a county board for education in a fiscal year.

10 BY repealing and reenacting, without amendments,  
11 Article - Education  
12 Section 5-201  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2003 Supplement)

15 BY adding to  
16 Article - Education  
17 Section 5-219  
18 Annotated Code of Maryland  
19 (2001 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Education**

2 5-201.

3 (a) Except for money appropriated for the purposes of § 5-301(a), (b), and (d)  
4 through (k) of this title, all money appropriated by the General Assembly to aid in  
5 support of public schools constitutes the General State School Fund.

6 (b) Money in the General State School Fund may be appropriated by the  
7 General Assembly to the Annuity Bond Fund, as provided in the State budget, and  
8 shall be used for principal and interest payments on State debt incurred for public  
9 school construction or public school capital improvements.

10 (c) The State Comptroller shall charge against and, as provided in this  
11 section, pay from the General State School Fund the following annual appropriations  
12 for:

13 (1) The support of the Department, including the expenses of the State  
14 Board and the support and expenses of the office of the State Superintendent;

15 (2) The Maryland Teachers' Retirement System;

16 (3) The education of disabled children;

17 (4) Subsidized or free feeding programs;

18 (5) The administration and supervision of career and technology  
19 education in public high schools and career and technology centers;

20 (6) Physical education and recreation;

21 (7) Case and guidance service for individuals with disabilities who need  
22 vocational rehabilitation;

23 (8) Equivalence examinations;

24 (9) Public libraries;

25 (10) Adult education;

26 (11) The State share of the foundation program as provided in § 5-202 of  
27 this subtitle;

28 (12) Student transportation, as provided in § 5-205 of this subtitle;

29 (13) The school building construction aid as provided in § 5-301(c) of this  
30 title;

31 (14) The State funding for compensatory education under § 5-207 of this  
32 subtitle;

1 (15) The State funding for students with limited English proficiency  
2 under § 5-208 of this subtitle;

3 (16) The State funding for special education under § 5-209 of this subtitle;  
4 and

5 (17) The Guaranteed Tax Base program under § 5-210 of this subtitle.

6 (d) Except as provided in this section, the Comptroller may not charge against  
7 and pay from the General State School Fund any appropriations made to accomplish  
8 the purposes of § 5-301(a), (b), or (d) of this title.

9 (e) (1) For the purposes of calculating the local share of the foundation  
10 program under § 5-202 of this subtitle and regardless of the source of the funds, all  
11 funds that a county board or the Mayor and City Council of Baltimore City are  
12 authorized to expend for schools may be considered as levied by the county council,  
13 board of county commissioners, or the Mayor and City Council of Baltimore except for:

14 (i) State appropriations;

15 (ii) Federal education aid payments; and

16 (iii) The amount of the expenditure authorized for debt service and  
17 capital outlay.

18 (2) Except as provided in this section, these appropriations to a county,  
19 academy, college, or university may not be paid from the General State School Fund.  
20 5-219.

21 FOR FISCAL YEAR 2005 AND EACH FISCAL YEAR THEREAFTER, THE FUNDS THAT  
22 A COUNTY BOARD RECEIVES UNDER THE STATE BUDGET FOR STATE AID TO  
23 EDUCATION IN A FISCAL YEAR FOR THE PROGRAMS COMMONLY KNOWN AS THE  
24 "BRIDGE TO EXCELLENCE IN PUBLIC SCHOOLS ACT", FIRST ENACTED BY CHAPTER  
25 288 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2002:

26 (1) SHALL BE EXPENDED BY THE COUNTY BOARD ONLY IN THE FISCAL  
27 YEAR FOR WHICH THE FUNDS ARE APPROPRIATED FOR THE PURPOSES AND IN THE  
28 MANNER PROVIDED UNDER THE "BRIDGE TO EXCELLENCE IN PUBLIC SCHOOLS ACT";  
29 AND

30 (2) MAY NOT BE EXPENDED BY THE COUNTY BOARD TO EXTINGUISH A  
31 DEBT OR DEFICIT INCURRED BY THE COUNTY BOARD FOR A PRIOR FISCAL YEAR.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 2004.